

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

December 7, 2006

The Marlboro Township Council held its regularly scheduled meeting on December 7, 2006 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Morelli opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 3, 2006; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Cantor, Councilman Pernice, Councilman Rosenthal, Councilwoman Tragni and Council President Morelli.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Council President Morelli opened the Public Hearing on Ordinance # 2006-37 (Granting Easement- Triangle Hills Development Sign). After the Public Hearing was held and closed, Council Vice President Cantor brought up the issue of liability, and asked Township Attorney Andrew Bayer to check. He also raised concerns about the size of the sign. Councilman Rosenthal echoed Council Vice President Cantor's sentiments regarding the size of the sign. Discussion followed, after which Council agreed to postpone adoption of this ordinance until these issues were resolved. Council Vice President Cantor motioned to table Res. #2006-426/Ord. #2006-37 (Granting Easement- Triangle Hills Development Sign) to the Dec. 18th agenda. This was seconded by Council

President Morelli and as there was no objection, the Clerk was asked to cast one ballot.

The following Res. #2006-324/Ord. #2006-27 (Engine Breaking (from mtg. 9/7/06) was introduced by reference, offered by Council President Morelli and seconded by Council Vice President Cantor. Council Vice President Cantor explained the ordinance. Discussion followed, after which Administration was asked to work with Traffic & Safety on the location of the signs. After discussion, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-324

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE #2006-27

AN ORDINANCE AUTHORIZING THE PLACEMENT OF SIGNS ALONG
ROUTE 18 IN THE TOWNSHIP OF MARLBORO AND ALL ROADS
ENTERING THE TOWNSHIP OF MARLBORO PROHIBITING ENGINE
BRAKING IN ACCORDANCE WITH N.J.S.A. 39:3-70

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 18, 2006 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2006-27

AN ORDINANCE AUTHORIZING THE PLACEMENT OF SIGNS ALONG
ROUTE 18 IN THE TOWNSHIP OF MARLBORO AND ALL ROADS
ENTERING THE TOWNSHIP OF MARLBORO PROHIBITING ENGINE
BRAKING IN ACCORDANCE WITH N.J.S.A. 39:3-70

WHEREAS, the practice of "engine braking" refers to the use or operation of any mechanical exhaust device designed to aid in the breaking, decompression or deceleration of a motor vehicle, which results in excessive, loud, unusual or explosive noise from such vehicle in excess of State and Federal Noise Standards for said vehicles; and

WHEREAS, the practice of engine braking by motor vehicles in the Township of Marlboro is disruptive and detrimental to the residents of the Township of Marlboro; and

WHEREAS, in accordance with N.J.S.A. 39:3-70, the Township Council desires to place signs prohibiting engine braking within the Township of Marlboro along Route 18 and all roads entering the Township prohibiting engine braking.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro that, in accordance with N.J.S.A. 39:3-70, signs shall be placed along Route 18 and all roads entering the Township of Marlboro prohibiting engine braking on those roadways, unless such engine braking is (1) necessary for the protection of persons and/or property, which cannot be avoided by the application of an alternative braking system; (2) effectively muffled; or (3) applied by an emergency vehicle for emergency purposes; and

BE IT FURTHER ORDAINED, that this Ordinance is conditioned upon the Township obtaining any necessary approvals from the New Jersey Department of Transportation and/or if applicable, County of Monmouth to place such signs on the aforementioned roadway; and

BE IT FURTHER ORDAINED, that the Township of Marlboro Division of Police is hereby authorized to submit to the New Jersey Department of Transportation and/or Monmouth County any necessary information and documentation related to the proposed placement of the signs; the language, size and design of the signs and any other matter necessary to effectuate the purpose and intent of this Ordinance and that the Division of Police is further authorized to reach an agreement with the N.J.D.O T. and/or County of Monmouth regarding such matters, as long as the agreement reached is consistent with the purpose and intent of this Ordinance; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law and, if applicable, approval by the New Jersey Department of Transportation and County of Monmouth.

The following Res. #2006-427 (Transfers) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-427

RESOLUTION AUTHORIZING BUDGET TRANSFERS DURING LAST
TWO MONTHS OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over the above the amount deemed to be necessary to fulfill the purpose of such appropriation,

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2006 Municipal Budget as follow:

From:

Mayor OE	1,500.00
Administration OE	3,500.00
Clerk OE	3,500.00
Planning Board OE	2,500.00
Shade Tree Comm OE	2,000.00
Gasoline	23,500.00
Summer Youth OE	5,000.00
Council S&W	3,500.00
Tax Assessor S&W	2,000.00
Engineering S&W	12,500.00
Fire Prevention S&W	2,500.00
Solid Waste / Recycling S&W	6,500.00
Public Works S&W	6,000.00
Shade Tree S&W	2,000.00
Open Space S&W	3,500.00

To:

Road Maintenance S&W

5,500.00

	Recreation S&W	2,500.00
	Legal OE	64,500.00
	Zoning OE	7,500.00
Totals		80,000.00

The following Res. #2006-428 (Award of Professional Service Contract - BRB Valuation & Consulting Services - 1. Tax Appeal, 2. Right of Way - Stokes Lane) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-428

A RESOLUTION AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICES CONTRACTS BETWEEN BRB VALUATION AND CONSULTING SERVICES AND THE TOWNSHIP OF MARLBORO FOR VARIOUS APPRAISAL SERVICES

WHEREAS, the Township of Marlboro is in need of professional appraisal services for certain projects; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, BRB Valuation and Consulting Services has submitted the following proposals (the "Proposals") to the Township of Marlboro to provide the aforementioned professional appraisal services:

- 1) Block 180, Lot 28 in connection with a tax appeal for an amount not to exceed \$5,775.00;
- 2) Block 270, Lots 4 & 6 in connection with the Route 520-Robertsville Road Improvement project for an amount not to exceed \$2,000.00;

WHEREAS, BRB Valuation and Consulting Services has completed and submitted a Business Entity Disclosure Certification which certifies that BRB Valuation and Consulting Services has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit BRB Valuation and Consulting Services from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire BRB Valuation and Consulting Services to provide the required professional services in accordance with the Proposals; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute contracts, in a form legally acceptable to the Township Attorney, between BRB Valuation and Consulting Services and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contracts, which is attached hereto, and that sufficient funds are available for said contacts from the following account numbers:

- 1) Block 180, Lot 28 - 6-01- -045-288
- 2) Block 270, Lots 4 & 6 - X-04-55-943-801

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. BRB Valuation and Consulting Services, Freehold, NJ
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. #2006-429 (Rescinding Contract - Frank Banish - LC Litigation Expert) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-429

A RESOLUTION RESCINDING THE PROFESSIONAL SERVICES CONTRACT
BETWEEN BANISCH ASSOCIATES, INC. AND THE TOWNSHIP OF MARLBORO

WHEREAS, by Resolution #2006-302 (the "Resolution"), the Township Council awarded a professional services contract (the "Contract") to Banish Associates, Inc. for the preparation of the necessary planning report in connection with the litigation against the Township challenging the validity of Ordinance No. 2005-28 which rezoned certain identified properties from R-80 zoning to Land Conservation zoning; and

WHEREAS, following the award of the Contract, it was determined that the Contract should not have been awarded until 2007; and

WHEREAS, the Township Council desires to rescind the Contract awarded to Banish Associates, Inc. with the intention of awarding a substantially identical professional services contract to Banish Associates, Inc. in 2007.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Contract awarded to Banish Associates, Inc. pursuant the Resolution be and hereby is rescinded; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Banisch Associates, Inc.
- b. Business Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. #2006-430 (Reject and Rebid - Gordons Corner Rd. and Robertsville Road) was introduced by reference, offered by Council President Morelli, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-430

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE NEW
JERSEY DEPARTMENT OF TRANSPORTATION TRUST FUND FISCAL
YEAR 2002 ROADWAY IMPROVEMENT PROJECT FOR GORDON'S CORNER

ROAD & ROBERTSVILLE ROAD IN THE TOWNSHIP OF MARLBORO AND
AUTHORIZING THE PROJECT TO BE REBID

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the New Jersey Department of Transportation Trust Fund Fiscal Year 2002 Roadway Improvement Project for Gordon's Corner Road & Robertsville Road; and

WHEREAS, the Township received six (6) bids from the following vendors in the following amounts:

- A. Lucas Brothers, Inc.
173 Amboy Road
Morganville, NJ 07751
Base Bid Items: \$343,958.75
Alternate A1: \$95,840.00
Total Amount: \$439,798.75
- B. DeFino Contracting Co.
28 Industrial Drive
Cliffwood Beach, NJ 07735
Base Bid Items: \$414,069.70
Alternate A1: \$119,124.35
Total Amount: \$533,194.05
- C. Lucas Construction Group, Inc.
1696 Englishtown Road
Old Bridge, NJ 08857-3908
Base Bid Items: \$419,630.00
Alternate A1: \$117,155.00
Total Amount: \$536,785.00
- D. Stavola Contracting Co., Inc.
P.O. Box 482
Red Bank, NJ 07701
Base Bid Items: \$435,466.00
Alternate A1: \$141,145.00
Total Amount: \$576,611.00
- E. Earle Asphalt Company
P. O. Drawer 556
Farmingdale, NJ 07727
Base Bid Items: \$502,413.13
Alternate A1: \$143,958.84
Total Amount: \$646,371.97
- F. Star of the Sea Concrete Corp.

448 Marlboro Road
Old Bridge, NJ 08857
Base Bid Items: \$480,384.25
Alternate A1: \$268,643.50
Total Amount: \$749,027.75; and

WHEREAS, the Township Attorney recommends that the bid submitted by Lucas Brothers, Inc. be rejected as noncompliant because it failed to include a certified financial statement prepared within the last twelve months as required by the bid specifications and applicable New Jersey law; and

WHEREAS, the Administration, Township Engineer, and the Township Attorney have reviewed the remaining five (5) bids submitted and recommend that the remaining five (5) bids be rejected because all five (5) of the bids substantially exceed the cost estimates for the goods or services and the contracting unit's appropriation for the goods or services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that all bids received for the New Jersey Department of Transportation Trust Fund Fiscal Year 2002 Roadway Improvement Project for Gordon's Corner Road & Robertsville Road be rejected for the reasons set forth above, and that the Township Engineer is authorized to rebid the New Jersey Department of Transportation Trust Fund Fiscal Year 2002 Roadway Improvement Project for Gordon's Corner Road & Robertsville Road; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Township Administrator
- b. Township Engineer
- b. Township Chief Financial Officer
- c. Gluck Walrath LLP.

The following Res. #2006-431 (Award of Bid - Swim Pavilion - Whirl) was introduced by reference, offered by Council Vice President Cantor, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-431

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
TO WHIRL CONSTRUCTION, FOR THE CONSTRUCTION OF A

RECREATION PAVILION AT THE MARLBORO SWIM CLUB
IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the construction of a recreation pavilion at Marlboro Swim Club; and

WHEREAS, the Township received six (6) bids from the following vendors in the following amounts:

- A. Gavan General Contracting, Inc.
1500 N. Apple Street
Lakewood, NJ 08701
Base Bid Items: \$113,663.16
Alternate A1: \$40,542.25
Total Amount: \$154,205.41

- B. Whirl Construction
P.O. Box 110, 187 Main Street
Port Monmouth, NJ 07758
Base Bid Items: \$144,764.00
Alternate A1: \$18,977.00
Total Amount: \$163,739.75

- C. J.W.T. Excavating Co., Inc.
24 South Holmdel Road
Holmdel, NJ 07733
Base Bid Items: \$169,190.00
Alternate A1: \$23,610.00
Total Amount: \$192,800.00

- E. Spring Valley Construction, Inc.
933 Route 9 North
South Amboy, NJ 08879
Base Bid Items: \$171,000.00
Alternate A1: \$86,000.00
Total Amount: \$257,000.00

- E. Salazar & Associates
2421 Iorio Street, 2nd Floor
Union, NJ 07083
Base Bid Items: \$238,294
Alternate A1: \$53,750.00
Total Amount: \$292,044.00

- F. AC Construction Corp.
1208 Rt. 34, Ste. 19

Aberdeen, NJ 07747
Base Bid Items: \$339,000.00
Alternate A1: \$79,500.00
Total Amount: \$418,500.00; and

WHEREAS, Gavan General Contracting, Inc. has requested that its bid be withdrawn as a result of a computation error; and

WHEREAS, the Administration, the Township Engineer, and the Township Attorney have reviewed the remaining five (5) bids and recommend that the contract for the Base Bid items and Alternate A1 be awarded to Whirl Construction as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the lowest qualified bidder, Whirl Construction.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that Gavan General Contracting, Inc.'s request to withdraw its bid is hereby accepted; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro that the contract for the construction of a recreation pavilion at Marlboro Swim Club including the Base Bid items and Alternate A1 be and hereby is awarded to Whirl Construction, and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Whirl Construction for the construction of a recreation pavilion at Marlboro Swim Club in an amount not to exceed \$163,741.00, and in accordance with the bid proposal submitted by Whirl Construction; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 6-07- -701-011 - \$58,741.00 and x-08-55-980-220 - \$105,000.00; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Whirl Construction
- b. Township Engineer
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP

The following Res. #2006-432 (Award of Bid - Senior Center Renovation) was introduced by reference, offered by Councilman Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-432

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
TO JDS CONTRACTING FOR RENOVATIONS AT
THE MORGANVILLE SENIOR CITIZENS CENTER

WHEREAS, the Township of Marlboro has authorized the replacement of the roofing, doors and windows; the replacement of a portion of the exterior sheathing; and the installation of vinyl siding (the "Renovations") at the Morganville Senior Citizens Center, 176 Texas Road, Morganville, New Jersey; and

WHEREAS, the Township received two (2) bids from the following vendors in the following amounts:

- A. JDS Contracting
23 Cindy Lane #4
Ocean, NJ 07712
\$79,500.00
- B. Bokey, Inc.
553 Pleasantview Road
Hillsborough, NJ 08844
\$86,400.00; and

WHEREAS, the Administration and the Township Attorney have reviewed said bids and recommend that the contract for the Renovations at the Morganville Senior Citizens Center be awarded to JDS Contracting as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the lowest qualified bidder, JDS Contracting.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the Renovations at the Morganville Senior Citizens Center be and hereby is awarded to JDS Contracting, and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and JDS Contracting for

the Renovations at the Morganville Senior Citizens Center in an amount not to exceed \$79,500.00, and in accordance with the bid proposal submitted by JDS Contracting; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-960-955 (\$30,584) and G-02-41-787-200 (\$51,416); and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. JDS Contracting
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP

The following Res. #2006-433 (Award of Bid - HVAC) as introduced by reference, offered by Councilman Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-433

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO
AIRHANDLERS MECHANICAL SERVICES, INC., TO MAINTAIN
AND SERVICE THE HEATING, VENTILATING AND AIR CONDITIONING
(HVAC) SYSTEMS FOR VARIOUS TOWNSHIP BUILDINGS
IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to maintain and service the heating, ventilating and air conditioning (HVAC) systems for various township buildings; and

WHEREAS, the Township received three (3) bids from the following vendors in the following amounts:

- A. Airhandlers Mechanical Services, Inc.
P.O. Box 178
Haddon Heights, NJ 08035
\$34,665.00

- B. Carrier Corporation
14-30 Madison Road
Fairfield, NJ 07004
\$38,200.00
- C. Peterson Service Company
234 Route 70
Medford, NJ 08055
\$74,389.00; and

WHEREAS, the Administration, the Director of Public Works, and the Township Attorney have reviewed said bids and recommend that the contract be awarded to Airhandlers Mechanical Services, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the lowest qualified bidder, Airhandlers Mechanical Services, Inc.;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract to maintain and service the heating, ventilating and air conditioning (HVAC) systems for various township buildings be and hereby is awarded to Airhandlers Mechanical Services, Inc., and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Airhandlers Mechanical Services, Inc. to maintain and service the heating, ventilating and air conditioning (HVAC) systems for various township buildings in an amount not to exceed \$34,665.00 and in accordance with the bid proposal submitted by Airhandlers Mechanical Services, Inc.; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 07-122-276 (subject to 2007 budget adoption); and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Airhandlers Mechanical Services, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP

The following Res. #2006-434 (Award of Bid - Dump Trucks) was introduced by reference, offered by Council Vice President Cantor, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-434

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
FOR PROVISION OF TWO (2) SIX CUBIC YARD DUMP TRUCKS
AND RELATED EQUIPMENT FOR THE TOWNSHIP OF
MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for provision of two (2) six cubic yard dump trucks and related equipment for the Township of Marlboro Department of Public Works; and

WHEREAS, the Township received five (5) bids from the following vendors in the following amounts:

- A. Robert H. Hoover and Sons, Inc.
1784 Route 9
Toms River, NJ 08755
\$211,810.00
- B. Cambria Truck Center
136 Talmadge Road
Edison, NJ 08817
\$247,054.00
- C. International Trucks of Central Jersey
1292 Route 9 South
Howell, NJ 07731
\$253,790.00
- D. Freedom International Trucks, Inc. of New Jersey
6601 New State Road
Philadelphia, PA 19135
\$255,650.00
- E. Brown's Hunterdon International, LLC
963 Route 173, P.O. Box 98
Bloomsbury, NJ 08804
\$285,830.00; and

WHEREAS, Robert Hoover and Sons, Inc. has requested that its bid be withdrawn due to an error in its tabulation; and

WHEREAS, the Administration, the Director of Public Works, and the Township Attorney have reviewed the remaining bids and recommend that the bid of Cambria Truck Center be rejected as a noncompliant bid due to their failure to substantially conform to the bid specifications in that they were unable to meet the delivery date of 120 days; they did not provide the required warranties; and they did not include a wet sleeve cylinder block in their bid specifications; and

WHEREAS, the Administration, the Director of Public Works, and the Township Attorney have reviewed the remaining bids and recommend that the bid of International Trucks of Central Jersey be rejected because, among other things, International Trucks of Central Jersey is not a "responsible" bidder as defined by the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., in that they have failed to demonstrate their moral integrity, operating capacity and financial capacity as well as their ability to complete the project as evidenced by, among other things: 1) the recent 19-count federal indictment of the co-owners and a salesman of International Trucks of Central Jersey on charges of attempts to defraud local governments of honest services, money and property; offering and giving corrupt payments; money laundering and conspiracy to launder money; and 2) the guilty plea of the former general manager of a vehicle services company wherein he admitted to U.S. District Judge William J. Martini that he accepted \$6,500 as a reward for helping International Trucks of Central Jersey sell eight trucks to Neptune for its public works department, and he named a co-owner and municipal salesman of International Trucks of Central Jersey in the bribery scheme; and

WHEREAS, the Administration, the Director of Public Works, and the Township Attorney have reviewed the remaining bids and recommend that the contract be awarded to Freedom International Trucks as the lowest qualified bidder submitting a legally compliant bid which substantially conforms to the bid specifications; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the lowest qualified bidder, Freedom International Trucks, for the provision of two (2) six cubic yard dump trucks and related equipment for the Township of Marlboro Department of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, in accordance with the aforementioned recommendations that the request by Robert H. Hoover & Sons, Inc. to withdraw its bid hereby is accepted and

the bids of Cambria Truck Center and International Trucks of Central New Jersey are hereby rejected for the reasons set forth above; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro that the contract for the provision of two (2) six cubic yard dump trucks and related equipment for the Township of Marlboro Department of Public Works be and hereby is awarded to Freedom International Trucks, and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Freedom International Trucks for provision of two (2) six cubic yard dump trucks and related equipment for the Township of Marlboro Department of Public Works in an amount not to exceed \$255,650.00, and in accordance with the bid proposal submitted by Freedom International Trucks; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-960-958; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Freedom International Trucks
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP

The following Res. #2006-435 (Chapter 159 - Item of Revenue - Secure Our Schools Grant) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-435

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2006 in the sum of \$262,615.00, which item is now available as a revenue from the United States Department of Justice, which is to supplement the existing "Secure Our Schools" financing, and

Section 2

BE IT FURTHER RESOLVED that the sum of \$262,615.00 is hereby appropriated under the caption "Secure Our Schools - federal grant".

The following Res. #2006-437 (Change Order #1 - Sidewalk Replacement - Jads Construction Company) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2006-437

A RESOLUTION AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT AWARDED TO JADS CONSTRUCTION COMPANY, INC. OF NEW JERSEY TO REMOVE AND REPLACE EXISTING DAMAGED CONCRETE SIDEWALKS, APRONS AND CURBS AT VARIOUS LOCATIONS FOR THE TOWNSHIP OF MARLBORO

WHEREAS, by Resolution #2006-299, the Township of Marlboro awarded a contract to JADS Construction Company, Inc. of New Jersey to remove and replace existing damaged concrete sidewalks, aprons and curbs at various locations for the Township of Marlboro for a total contract amount of \$71,660.00 (the "Contract"); and

WHEREAS, JADS Construction Company, Inc. of New Jersey was required to provide additional services to improve the drainage on the Conover Road resurfacing project for a total cost of \$9,880.00; and

WHEREAS, the Director of Public Works has recommended that the Township Council authorize Change Order #1 to the Contract for \$9,880.00, thereby increasing the total contract amount to \$81,540.00; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.1, *et seq.*, change orders that do not, in the aggregate, exceed 20% of the original contract amount, can be authorized by the governing body without additional public bidding.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Mayor is authorized to execute Change Order #1 to the Contract between the Township of Marlboro and JADS Construction Company, Inc. of New Jersey increasing the total contract amount to \$81,540.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for Change Order #1, which is attached hereto, and that sufficient funds are available for said change order from Capital Account Number X-04-55-955-913; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. JADS Construction Company, Inc. of New Jersey
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP.

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor: Res. #2006-438 (Award of Contract - BDU Uniforms), Res. #2006-439 (Bingo License - St. Gabriel's Church) and Res. #2006-440 (Raffle License - Mon. Cty. Education Assoc.).

RESOLUTION # 2006-438

RESOLUTION AUTHORIZING THE PURCHASE OF BDU UNIFORMS FROM THIS AND THAT UNIFORMS FOR THE MARLBORO TOWNSHIP

WHEREAS, the Marlboro Township Police Department contacted certain companies to request estimates for the purchase of BDU uniforms; and

WHEREAS, the Police Department received the following estimates:

1. This and That Uniforms, Pleasantville, New Jersey - \$19,740.00
2. Blue Streak, Jamesburg, New Jersey - \$19,866.00
3. A&J Police Equipment, Brooklyn, New York - \$19,880.00

WHEREAS, the lowest estimate for the purchase of the aforementioned items is less than \$21,000.00 in the contract year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Police Department have reviewed the estimates received and recommend that a contract be awarded to This and That Uniforms for the purchase of the aforementioned items; and

WHEREAS, funds are available in Operating Account Number 6-01-106-266 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said services;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted for the purchase of BDU Uniforms from This and That Uniforms, 1500 South New Road, Pleasantville, New Jersey 08232; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. This and That Uniforms, Pleasantville, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2006-439

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Bingo License # BL:02-06/07 be and it is hereby granted to St. Gabriel's Church Rosary-Altar Society, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that games will be played each Monday, beginning January 8, 2007 to December 17, 2007 from 12 Noon to 2:30 PM at St. Gabriel's Church Hall, 100 North Main Street, Marlboro, New Jersey 07746, as follows:

JANUARY	8, 15, 22, 29
FEBRUARY	5, 12, 19, 26
MARCH	5, 12, 19, 26
APRIL	2, 16, 23, 30
MAY	7, 14, 21
JUNE	4, 11, 18, 25
JULY	9, 16, 23, 30
AUGUST	6, 13, 20, 27
SEPTEMBER	10, 17, 24
OCTOBER	1, 8, 15, 22, 29
NOVEMBER	5, 12, 19, 26
DECEMBER	3, 10, 17

RESOLUTION # 2006-440

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License #RL:17-06/07 (Off Premise Merchandise) be and it is hereby granted to MCEA Philanthropic Fund Inc., 28 Buckley Road, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on March 23, 2007 at 5:00 PM at 28 Buckley Road, Marlboro, New Jersey 07746.

The following Res. #2006-441 (Bond Release Diamond Hills) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 1 in favor with Council Vice President Cantor voting no.

RESOLUTION # 2006-441

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND GUARANTEEING SITE IMPROVEMENTS FOR THE DIAMOND HILLS PROJECT, BLOCK 419, LOT 9 AND BLOCK 420, LOT 45, MOORE ROAD

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Diamond Hills Estates, LLC, for the release of the Performance Bond and Cash Bond being held by the Township with respect to the site improvements for Block 419, Lot 9 and Block 420, Lot 45, Moore Road (the "Project"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated December 4, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township for the Project conditioned upon: (1) The posting of a bond in the amount of \$50,000.00 to be retained for three (3) years in connection with the costs of acquiring a right-of-way; (2) the payment of all outstanding invoices and fees up to the date of the release and (3) the posting of a Maintenance Bond in the amount of \$211,390.20; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond in the original amount of \$1,522,010.00 and the current amount of \$456,603.00 and the Cash Bond in the original amount of \$169,112.00 and current amount of \$50,733.60 posted for the site improvements for the Project be and hereby are released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon: (1) The posting of a bond in the amount of \$50,000.00 to be retained for three (3) years in connection with the costs of acquiring a right-of-way; (2) the payment of all outstanding invoices and fees up to the date of the release and (3) the posting of a Maintenance Bond in the amount of \$211,390.20; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Diamond Hills Estates, LLC
- b. First Indemnity of America Insurance Co.
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

Item #21 (Tax Collector Resolutions) was carried to the December 18, 2006 agenda.

At 9:50PM, Council Vice President Cantor moved that the meeting go into executive session for reason of discussing acquisition of property, contract negotiations, litigation and personnel. This was seconded by Councilman Rosenthal, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called, and the executive session resumed at 10:00 PM.

RESOLUTION # 2006-442

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 7th day of December, 2006 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely property acquisition, contract negotiations, litigation and personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:35PM, Council President Morelli moved to open the meeting. This was seconded by Council Vice President Cantor, and as there was no objection, the Clerk was asked to cast one ballot.

The following Res. #2006-443 (Authorizing Mayor to Enter into Contract - Farmland Appraisal) was introduced by reference, offered by Council President Morelli, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2006-443

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR THE APPRAISAL OF BLOCK 155, LOT 13.03 FOR FARMLAND PRESERVATION PURPOSES

WHEREAS, the Township desires to have an appraisal performed for farmland preservation purposes of the 43-acre property known as Block 155, Lot 13.03, Pleasant Valley Road, Marlboro Township, New Jersey (the "Property"); and

WHEREAS, the Township Council desires to authorize the Mayor to enter into a professional services contract for the performance of such services, subject to confirmation by the Township Council.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that, subject to confirmation by the Township Council, the Mayor is hereby authorized to enter into a contract with an appraisal company to perform an appraisal of the Property.

At 10:40PM, Council President Morelli moved that the meeting be adjourned. This was seconded by Council Vice President Cantor, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: January 25, 2007

OFFERED BY: Pernice

AYES: 5

SECONDED BY: Rosenthal

NAYS: 0

ALIDA DE GAETA
MUNICIPAL CLERK

PATRICIA MORELLI
COUNCIL PRESIDENT